

EXHIBIT B

U.S. Patent No. US 8,799,083 v. Einstein Noah Restaurant Group, Inc.

1. Claim Chart

Claim	Analysis
<p>[1.P] A method, comprising: receiving at least one request of at least one service related to a restaurant menu from a mobile phone;</p>	<p>Einstein Noah Restaurant Group, Inc. (“Company”) performs and/or induces others to perform a method comprising: receiving at least one request of at least one service related to a restaurant menu from a mobile phone.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, Company provides an Einstein Bros Bagel application which is installed in a mobile device (“mobile phone”). Further, the application allows users to perform functionalities such as finding nearby Einstein Bros Bagel restaurants’ locations and viewing menus. Additionally, the application allows users to order a meal (“service”) from the restaurant menu displayed within the application ("receiving at least one request of at least one service related to a restaurant menu").</p> <div data-bbox="415 760 1129 849" data-label="Text"> <p>Einstein Bros Bagels</p> </div> <div data-bbox="415 865 535 889" data-label="Text"> <p>Bagel Brands</p> </div> <div data-bbox="426 927 491 948" data-label="Text"> <p>500K+</p> </div> <div data-bbox="426 954 501 971" data-label="Text"> <p>Downloads</p> </div> <div data-bbox="596 927 621 948" data-label="Text"> <p>3+</p> </div> <div data-bbox="554 954 659 971" data-label="Text"> <p>Rated for 3+ Ⓞ</p> </div> <div data-bbox="504 1034 564 1053" data-label="Text"> <p>Install</p> </div> <div data-bbox="682 1034 722 1053" data-label="Text"> <p>Share</p> </div> <div data-bbox="795 1034 819 1053" data-label="Text"> <p>Add to wishlist</p> </div> <div data-bbox="1451 760 1740 1040" data-label="Image"> </div> <p>Source: https://play.google.com/store/apps/details?id=com.sourceapp.ebb&hl=en_US</p>

START YOUR ORDER



Pickup

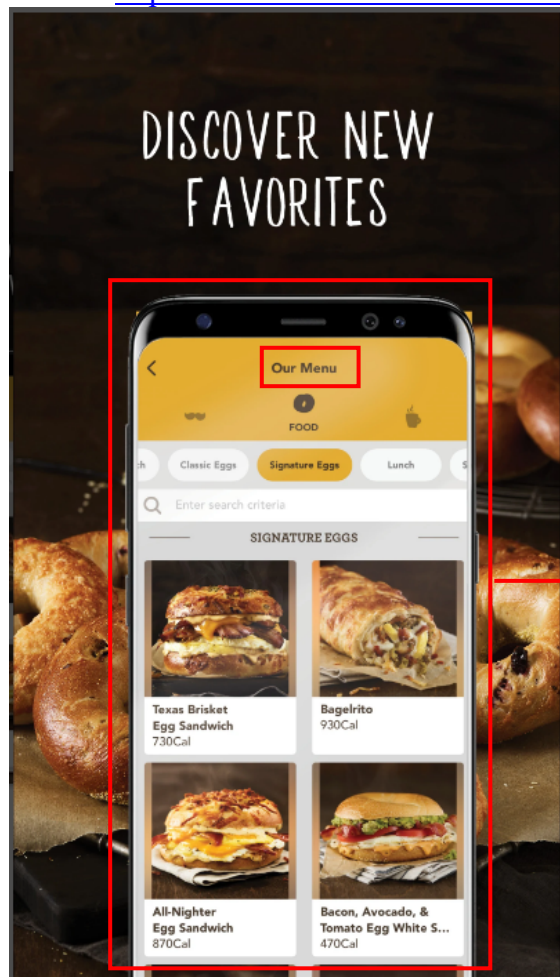
Quick and Easy! Your order will be ready when you arrive.

For Orders Less than \$100
Order Good for Groups Here
Curbside Pickup Where Available

REWARDS MEMBER

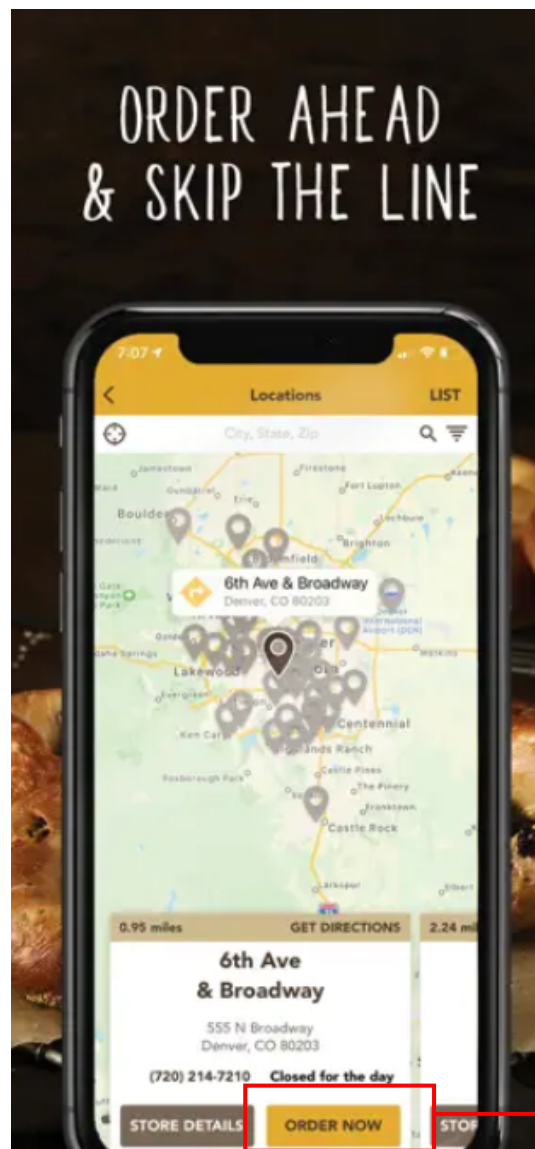
GUEST CHECKOUT

Source: <https://www.einsteinbros.com/order/>



Mobile phone

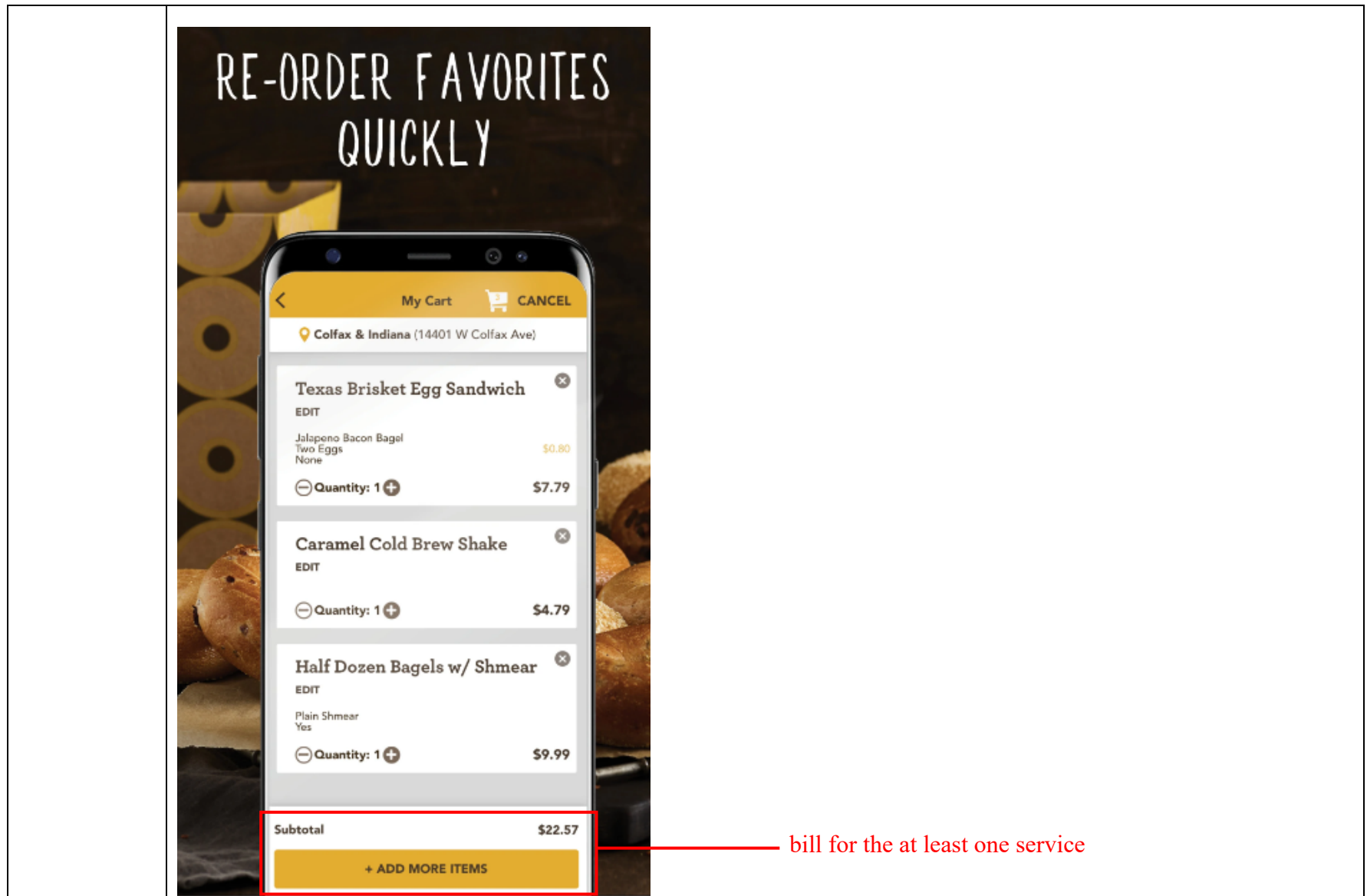
Source: https://play.google.com/store/apps/details?id=com.sourceapp.ebb&hl=en_US (annotated)



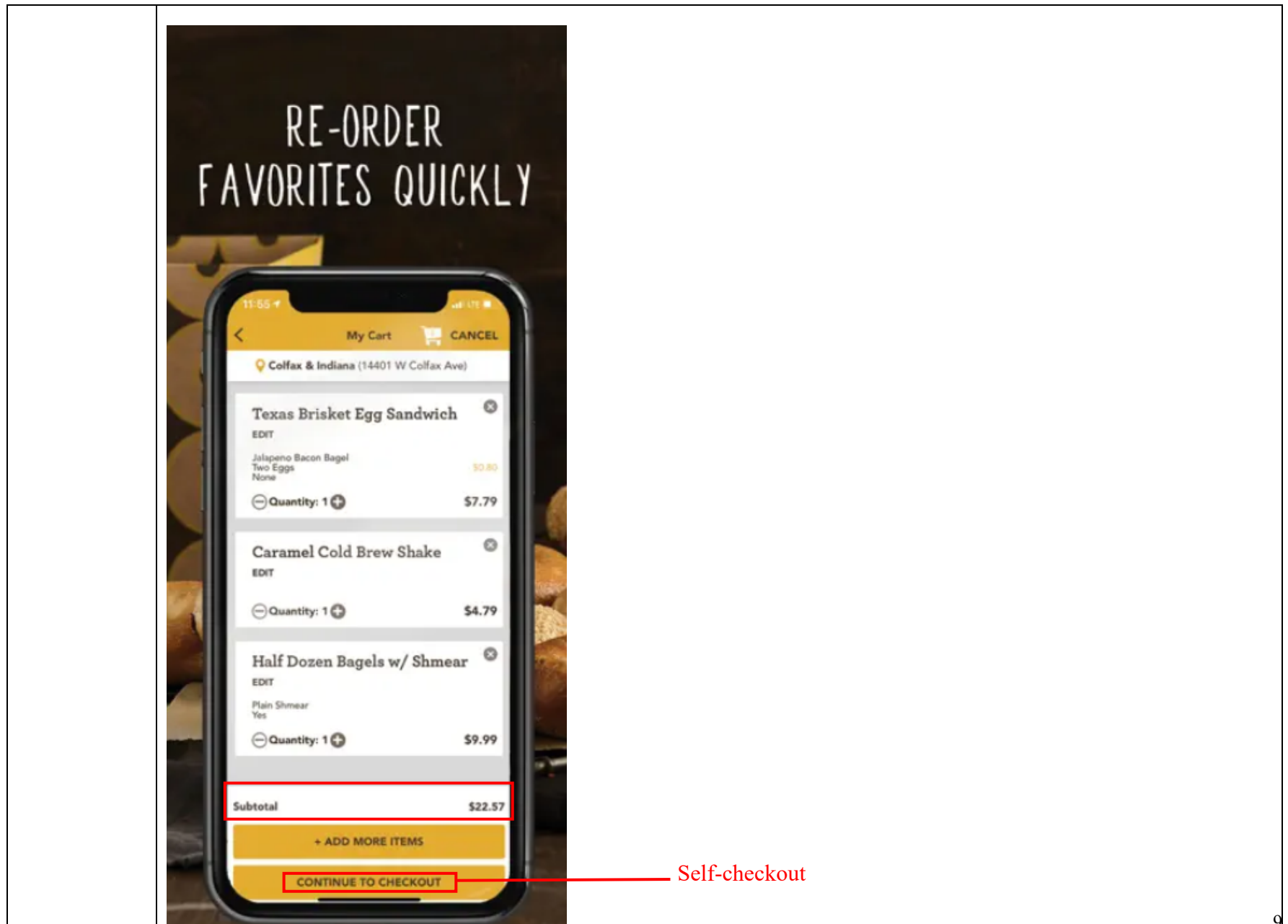
receiving at least one request
of at least one service related
to a restaurant menu

Source: https://play.google.com/store/apps/details?id=com.sourceapp.ebb&hl=en_US (annotated)

	<p>How do I find my neighborhood store?</p> <p>You can locate a store near you by using our helpful <u>Store Locator</u>.</p> <p>Source: https://www.einsteinbros.com/contact/faq/</p> <p>Further, to the extent this element is performed at least in part by Defendant’s software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[1.1] uploading, by a system of a restaurant, a bill for the at least one service to the mobile phone; and</p>	<p>Company performs and/or induces others to perform a step of uploading, by a system of a restaurant, a bill for the at least one service to the mobile phone.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, after the order is selected, the Einstein Bros Bagels application (“a system of a restaurant”) generates a bill for the ordered meal (“bill for the at least one service”).</p>



	<p>Source: https://play.google.com/store/apps/details?id=com.sourceapp.ebb&hl=en_US (annotated)</p> <p>Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.</p>
<p>[1.2] performing a self-checkout by a at least one customer whereby payment for the at least one service is submitted by the at least one customer via the mobile phone to the system, wherein the payment is submitted without interaction with staff associated with the restaurant.</p>	<p>Company performs and/or induces others to perform the step of performing a self-checkout by at least one customer whereby payment for the at least one service is submitted by the at least one customer via the mobile phone to the system, wherein the payment is submitted without interaction with staff associated with the restaurant.</p> <p>This element is infringed literally, or in the alternative, under the doctrine of equivalents.</p> <p>For example, once the bill is generated, the application allows the user to pay the bill through a checkout option ("self-checkout by at least one customer") where the user pays the bill through multiple payment options such as a credit card and without interacting with the staff associated with the restaurant.</p>



Source: <https://apps.apple.com/us/app/einstein-bros-bagels/id1405128897> (annotated)

About this app →

The Einstein Bros Bagels mobile app is the most convenient way to pay and check-in to earn rewards. Mobile pay means you can leave your wallet at home, and using the app to check-in with Shmear Society means earning and redeeming points is easier than ever!

Source: https://play.google.com/store/apps/details?id=com.sourceapp.ebb&hl=en_US

Follow the instructions on a Site to place an order; provide all information required for order placement and payment. You are responsible for payment of your order by providing a valid credit card and related payment information at the time of placement of your order. An Operator (or its third party payment processor designee) will charge, and you authorize an Operator (or its third party payment processor designee) to charge, the credit card you provide at the time of placement of your order. An Operator uses third party providers, and may use and accept various third-party services to process payments; by making a payment, you agree to the terms and conditions of such providers and services. Upon payment for your order, you will receive an email sent to the designated email address you provided in connection with your order detailing your order information. By purchasing items through a Site, you represent and warrant that you are capable of entering into a contract under the applicable law.

Source: <https://bagelbrands.com/terms-of-use/>

Further, to the extent this element is performed at least in part by Defendant's software source code, Plaintiff shall supplement these contentions pursuant to production of such source code by the Company.

2. List of References

1. <https://bagelbrands.com/terms-of-use/>, last accessed on 20 May 2024.
2. <https://www.einsteinbros.com/order/>, last accessed on 20 May 2024.
3. <https://www.einsteinbros.com/contact/faq/>, last accessed on 20 May 2024.
4. <https://apps.apple.com/us/app/einstein-bros-bagels/id1405128897>, last accessed on 20 May 2024.
5. https://play.google.com/store/apps/details?id=com.sourceapp.ebb&hl=en_US, last accessed on 20 May 2024.